

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: Unknown

In re Patent Application of

Hussain U. Bahia, et al.

Application No. 10/690,929

Confirmation No.: Unknown

Filed: October 22, 2003

Examiner: Unknown

I, Sally J. Sorensen, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Sally Sorensen
Signature

January 23, 2004
Date of Signature

APPARATUS AND METHOD FOR TESTING MATERIAL PERFORMANCE

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR §1.97(b)(3) and §1.98(d)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner's attention is directed to the references which are listed on the attached Forms PTO/SB/08A and PTO/SB/08B. References A, B and C are attached. Copies of all other references are not being provided because, pursuant to 37 C.F.R. §1.98(d), copies were previously submitted to, or cited by, the office in U.S. Serial No. 09/803,416, filed March 9, 2001, which is being relied upon for an earlier filing date under 35 U.S.C. §120.

In accordance with 37 CFR 1.97(b)(3), these references are provided before the mailing of a first Office Action on the merits. Citation of these references is respectfully requested.

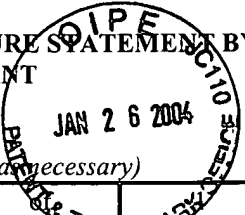
No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

Respectfully submitted,

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Substitute of form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (use as many sheets as necessary)		Application Number	10/690,929
		Filing Date	October 22, 2003
		First Name Inventor	Hussain U. Bahia
		Group Art Unit	Unknown
		Examiner Name	Unknown
		Attorney Docket Number	096429-9147
Sheet	1		

U.S. PATENT DOCUMENTS

Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		2,972,249	McRae <i>et al.</i>	02-20-58
		3,478,572	McRae <i>et al.</i>	07-12-68
		4,502,338	Smith <i>et al.</i>	03-05-85
		5,036,709	McRae	08-06-91
		5,275,056	Hamilton <i>et al.</i>	01-04-94
		5,456,118	Hines <i>et al.</i>	10-10-95
		5,606,133	Hines <i>et al.</i>	02-25-97
		5,817,946	Brovold	10-06-98
	A	5,824,913	Pyle	10-20-98
		5,911,164	McRae	06-08-99
		5,916,504	Edwards, Jr. <i>et al.</i>	06-29-99
		5,939,642	King <i>et al.</i>	08-17-99
	B	6,205,864	Vialletel <i>et al</i>	03- -01
	C	US2001/0049969 A1 09/803,416	Bahai <i>et al.</i>	12-13-01

FOREIGN PATENT DOCUMENTS

Examiner Initials	Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract

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Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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				Application Number	10/690,929
				Filing Date	October 22, 2003
				First Named Inventor	Hussain U. Bahia
				Group Art Unit	Unknown
				Examiner Name	Unknown
				Attorney Docket Number	096429-9147
Sheet	1	of	1		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		Bahia <i>et al.</i> , "Optimization of Constructibility and Resistance to Traffic: A New Design Approach for HMA Using the Superpave Compactor", <i>Journal of the Association of Asphalt Paving Technologists</i> , Vol. 67, pp. 189-232 (1998).
		Brown, E. R. and Mallick, Rajib B., "An Initial Evaluation for N _{design} Superpave Gyratory Compactor", <i>Journal of the Association of Asphalt Paving Technologists</i> , Vol. 67, pp. 101-124 (1998).
		Anderson, R. Michael and Hussain, U. Bahia, "Evaluation and Selection of Aggregate Gradations for Asphalt Mixtures Using Superpave", <i>TRR</i> , 1583, pp. 91-97 (1997).
		RILEM, Bituminous Binders and Mixes, <i>Report of RILEM Technical Committee 152-PBM Performance of Bituminous Materials</i> , RILEM, NY 10001 (1998).
		Butcher, M., "Determining Gyratory Compaction Characteristics Using Servopac Gyratory Compactor", <i>Transportation Research Record</i> , No. 1630, pp. 89-97 (1998).
		DeSombre, Rachel., Newcomb, David E., Chadbourn, Bruce and Voller, Vaughn, "Parameters to Define the Laboratory Compaction Temperature Range of Hot-Mix Asphalt", <i>Journal of the Association of Asphalt Paving Technologists</i> , Vol. 67, pp. 125-152 (1998).
		Mallick, Rajib B., "Use of Superpave Gyratory Compactor to Characterize Hot Mix Asphalt (HMA)", <i>Transportation Research Board 78th Annual Meeting</i> , 10-14 January (1999).

Examiner Signature		Date Considered	
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